

**MEMO ENDORSED**

ALLYN &  
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April 12, 2021

Via Electronic Case Filing  
Hon. Katherine Polk Failla, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

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Re: Martinez-Cruz, et ano. v. York Bagels Inc. et ano.  
Case No.: 1:20-cv-4084 (KPF) (SN)

Dear Judge Failla:

Allyn & Fortuna LLP represents the plaintiffs, Rogelio Martinez-Cruz and Erick Martinez-Castillo (collectively referred to as "Plaintiffs"), in the above-referenced case.

The instant action is for alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. ("FLSA") and the New York State Labor Law, Articles 6 & 19 ("NYLL"). Plaintiffs' counsel is writing to request an extension on the fact discovery deadline in this case, which is currently set for April 22, 2021 and an adjournment of the pre-trial conference scheduled for April 27, 2021.

The reason for the requested extension and adjournment is that since March 25, 2021, Plaintiffs' counsel has been trying to schedule Defendants' depositions but due to the Jewish holidays Defendants' counsel was unable to speak to his clients and unable to provide dates for their depositions. Counsel for the parties have been in communication regarding the scheduling of the depositions and the notice to admit deadlines but Plaintiffs' counsel is still waiting on Defendants to provide dates on which they are available to be deposed. This is the first request for an extension that has been made by either party.

Counsel for both parties were initially going to submit a joint letter requesting the extension/adjournment. However, we could not agree on the reason necessitating the request.

Please let us know if you have any questions or require further information in connection with this request. Thank you for your courtesy and attention to this matter.

Respectfully submitted,  
/s/ Paula Lopez

Cc.: Defendants' counsel (via ECF)

Application GRANTED. The Court will extend the fact discovery deadline by three weeks to compensate Plaintiffs for the time during which they attempted to scheduled Defendants' depositions but were unable to do so. Accordingly, fact discovery shall close on May 13, 2021. Additionally, the status conference scheduled for April 27, 2021 is hereby ADJOURNED to May 18, 2021, at 10:00 a.m. At the appointed time, the parties shall call (888) 363-4749 and enter access code 5123533. Please note, the conference will not be available prior to 10:00 a.m. The parties' pre-conference submission (see Dkt. #26), shall be due on or by May 13, 2021.

Dated: April 12, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE